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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,553	01/07/2002	Travis J. Parry	10007792-1	2449

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

HSU, ALPUS

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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05/17/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/040,553

Applicant(s)

PARRY, TRAVIS J.

Examiner

Alpus H. Hsu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

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1. Applicant's arguments, see Appeal Brief, filed February 28, 2007, with respect to claims 1-20 have been fully considered and are persuasive. However, upon further consideration, a new ground(s) of rejection is made in view of HOGUTA et al. and VAID.
2. Claims 7 and 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, line 3, it is confusing for reciting "a type". Is it referring to "a connection protocol type" as in claim 1, line 4?

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 5, 6, 9-12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOGUTA et al. in U.S. Patent No. 6,725,303 B1, hereinafter referred to as HOGUTA, in view of VAID in Pub. No. US 2002/0091843 A1, hereinafter referred to as VAID.

Referring to claims 1-3, 5, 10-12 and 14, HOGUTA discloses a method for establishing wireless communication between at least one computer (106-120) and a wireless local area network (101), comprising: receiving at least one signal (communications signals including protocol type information within subscriber profile) from the broadcast server/storage device (126) via the wireless local area network (101); establishing communications between the broadcast server/storage device (126) and at least one computer (106-120) based on the at least one signal received including protocol type information within subscriber profile (see col. 1, line

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65 to col. 2, line 8, col. 2, lines 32-48, col. 4, lines 35-45, col. 4, line 64 to col. 7, line 12, col. 8, lines 17-54, col. 10, lines 7-29).

HOGUTA differs from the claims, in that, it does not utilize at least one wireless port for broadcasting the communication signal regarding connection protocol type. But HOGUTA does disclose the capability of broadcasting, multicasting, and unicast communications signals including control/signaling data, multimedia or video/audio program content (see col. 5, line 48 to col. 6, line 36).

The utilization of at least one wireless port for broadcasting the communication signal regarding connection protocol type is well known in the art. VAID, for example, from the similar field of endeavor, provides such teaching of utilizing at least one wireless port (106) for broadcasting the communication signal regarding connection protocol type (see [0020] to [0024] and Figure 1).

Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the utilization of wireless port from VAID into the method in HOGUTA to provide physical implementation of interface between a computer and wireless local area network since it is well known in the art to provide a wireless interface with wireless ports for connecting the computer to a wireless LAN to further improve the system efficiency.

Referring to claim 6, HOGUTA discloses the use of security identifier for the LAN (see Col. 3, lines 37-45, col. 6, line 59 to col. 7, line 13).

Referring to claim 9, HOGUTA discloses the further steps of: selecting another local area network when connection between the computer and said at least one wireless port is not completed (see col. 5, line 66 to col. 6, line 13).

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5. Claims 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over HOGUTA in view of VAID as applied to claims 1, 2, 10-12 above, and further in view of PINARD (of record).

Referring to claims 4 and 13, HOGUTA in view of VAID differs from the claims, in that, it fails to disclose the feature of selecting the signal based on at least one of a strength and a clarity, which is well known in the art and commonly used in communications field for optimum signal selection.

PINARD, for example, from the similar field of endeavor, teaches the selection of signal based on at least one of a strength and a clarity (see col. 2, line 31 to col. 3, line 31), which can be easily adopted by one of ordinary skill in the art to implement in the method of HOGUTA in view of VAID to optimize the best signal selection to further improve the system performance.

6. Claims 15-20 are allowed.

7. Claims 7 and 8 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chu et al., Baker et al., Baldwin et al., Ganeasan et al. '538 & '951, Fillebrown et al. '060 & '675 are additionally cited to show the feature of wireless local area network utilizing wireless access points/ports for wireless communication.

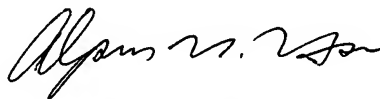
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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alpus H. Hsu whose telephone number is (571)272-3146. The examiner can normally be reached on M-F (5:30-3:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on (571)272-3134. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHH



Alpus H. Hsu
Primary Examiner
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